IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 17TH APRIL 2007 / 27TH CHAITHRA 1929

Bail Appl..No. 2205 of 2007()

CR.NO. 12 OF 2007 OF KONNI EXCISE RANGE.
CRL. M.P.NO. 637 OF 207 OF SESSIONS COURT, PATHANAMTHITTA.

PETITIONER/ACCUSED

GOPI,
S/O.KOCHUCHERUKKAN,
PADINJAREPURACKAL VEETTIL,
THAZHAM, MALAYALAPUZHA VILLAGE, KOZHENCHERRY.

BY ADV. SRI.C.S.MANILAL

RESPONDENT/COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV. SHRI JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T. SANKARAN, J.

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B.A. No. 2205 OF 2007

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Dated this the 17th April, 2007

O R D E R

This is an application for bail under section 439 of the Code of Criminal Procedure.

2. The petitioner is the accused in Crime No. 12 of 2007 of Konni Excise Range. The offence alleged against the petitioner is under section 8(1) and (2) of the Kerala Abkari Act.

3. The petitioner moved an application for bail before the Court of Judicial Magistrate of the First Class-II, Pathanamthitta but the same was dismissed by the order dated 13.02.2007.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor. It is submitted by the learned counsel for the petitioner that the petitioner is in judicial custody from 12.02.2007 onwards and that no final report is laid, and therefore he is entitled to be released under section 167(2) of the Code of Criminal Procedure.

In the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The petitioner shall be released on bail on condition

that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like amount to the satisfaction of the Judicial Magistrate of the First Class-II, Pathanamthitta.

K.T. SANKARAN,
JUDGE.

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